

REMARKS

Claims 47-114 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Applicants would like to thank the Examiner for the courtesy extended during the telephonic interview conducted on February 2, 2007. During the interview, Applicants' representative noted that the present application is a continuation reissue of 09/950,086, filed September 12, 2001, which is a continuation reissue of U.S. Reissue Patent No. RE37,739.

CLAIM REJECTIONS

Claims 47-114 stand rejected under 35 U.S.C. § 251, as being broadened in a reissue application filed outside the two year statutory period. This rejection is respectfully traversed.

As noted in the interview, the present application is a continuation reissue of 09/950,086, filed September 12, 2001, which is a continuation of U.S. Reissue Patent No. RE37,739 ("the '739 reissue). The '739 reissue was filed on June 22, 2000, within two years of the grant of the original patent. Similarly, the present application was filed on July 8, 2003, within 2 years of the June 11, 2002 grant of the '739 reissue. As such, the claims of the present application were presented within two years of the grant of the original (the '739 reissue) patent.

Further, Applicants respectfully note that a broadening claim can be presented in a continuation reissue application after two years when any intent to broaden is indicated in the parent reissue application. Applicants respectfully note that the declaration for the '739 application indicates an intention to claim subject matter recited in claim 3 of the original patent (see Page 2, Item 4 of the declaration filed June 22, 2000).

In view of the above, Applicants respectfully submit that i) Applicants properly indicated an intent to broaden in the declaration filed June 22, 2000; and/or ii) the present application was filed within two years of the grant of the '739 reissue.

The claims of the application have not been rejected based on prior art. As such, claims 47-114 should be allowable for at least the above reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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